

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TAURUS L. LANSDOWNE,

Plaintiff,

v.

NANCY A. BERRYHILL,¹
Acting Commissioner of Social Security,

Defendant.

CIVIL ACTION
NO. 16-3188

ORDER

AND NOW, this 10th day of August 2017, upon consideration of the Report and Recommendation filed by United States Chief Magistrate Judge Linda K. Caracappa (Doc. No. 19), Defendant's Objections (Doc. No. 20), and in accordance with the Opinion issued this day, it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 19) is **APPROVED** and **ADOPTED**.
2. Plaintiff's Request for Review is **GRANTED**.
3. The case is **REMANDED** in accordance with the fourth sentence of 42 U.S.C. § 405(g)² to the Commissioner of the Social Security Administration for proceedings

¹ Nancy A. Berryhill is the acting Commissioner of the Social Security Administration. Pursuant to Rule 24(d) of the Federal Rules of Civil Procedure, Berryhill replaces Carolyn W. Colvin as Defendant in this case and no further action is needed to meet the requirement of the final sentence of 42 U.S.C. § 405(g) which states:

Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.

² Sentence four of 42 U.S.C. § 405(g) provides that: "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the

consistent with the Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa and the Opinion issued this day.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.

decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.”